

ENTERED

August 08, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ORSI MANZANO,	§
	§
Petitioner,	§
VS.	§ CIVIL ACTION NO. 2:17-CV-273
	§
LORIE DAVIS,	§
	§
Respondent.	§

OPINION AND ORDER OF TRANSFER

Petitioner filed a letter motion in Spanish challenging his conviction and sentence imposed in Dallas County, Texas. The letter was filed as a habeas action pursuant to 28 U.S.C. § 2254. Petitioner is incarcerated at the Stevenson Unit in Cuero, Texas. According to the TDCJ website and the details in Petitioner's letter, Petitioner was convicted in 2012 in Dallas County of indecency with a child and aggravated sexual assault of a child.

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in DeWitt County in the Victoria Division of the Southern District of Texas, 28 U.S.C. § 124(b)(5), and he was convicted by a court located in the Dallas Division of the Northern District of Texas. 28 U.S.C. § 124(a)(1). His case appears to have no connection to the Corpus Christi Division of the Southern District of Texas.

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the State court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Dallas County, it is more convenient and would further the interests of justice for this action to be handled in the Dallas Division of the Northern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Dallas Division of the Northern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Northern District of Texas, Dallas Division.

ORDERED this 8th day of August, 2017.

Jason B. Libby
Jason B. Libby
United States Magistrate Judge